

# THAILAND: A DEMOCRACY IN PERIL

---

---

HEARING  
BEFORE THE  
SUBCOMMITTEE ON ASIA AND THE PACIFIC  
OF THE  
COMMITTEE ON FOREIGN AFFAIRS  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED THIRTEENTH CONGRESS  
SECOND SESSION

---

JUNE 24, 2014

---

**Serial No. 113-191**

---

Printed for the use of the Committee on Foreign Affairs



Available via the World Wide Web: <http://www.foreignaffairs.house.gov/> or  
<http://www.gpo.gov/fdsys/>

---

U.S. GOVERNMENT PRINTING OFFICE  
88-457PDF

WASHINGTON : 2014

---

For sale by the Superintendent of Documents, U.S. Government Printing Office  
Internet: [bookstore.gpo.gov](http://bookstore.gpo.gov) Phone: toll free (866) 512-1800; DC area (202) 512-1800  
Fax: (202) 512-2104 Mail: Stop IDCC, Washington, DC 20402-0001

COMMITTEE ON FOREIGN AFFAIRS

EDWARD R. ROYCE, California, *Chairman*

CHRISTOPHER H. SMITH, New Jersey	ELIOT L. ENGEL, New York
ILEANA ROS-LEHTINEN, Florida	ENI F.H. FALEOMAVAEGA, American Samoa
DANA ROHRABACHER, California	BRAD SHERMAN, California
STEVE CHABOT, Ohio	GREGORY W. MEEKS, New York
JOE WILSON, South Carolina	ALBIO Sires, New Jersey
MICHAEL T. McCaul, Texas	GERALD E. CONNOLLY, Virginia
TED POE, Texas	THEODORE E. DEUTCH, Florida
MATT SALMON, Arizona	BRIAN HIGGINS, New York
TOM MARINO, Pennsylvania	KAREN BASS, California
JEFF DUNCAN, South Carolina	WILLIAM KEATING, Massachusetts
ADAM KINZINGER, Illinois	DAVID CICILLINE, Rhode Island
MO BROOKS, Alabama	ALAN GRAYSON, Florida
TOM COTTON, Arkansas	JUAN VARGAS, California
PAUL COOK, California	BRADLEY S. SCHNEIDER, Illinois
GEORGE HOLDING, North Carolina	JOSEPH P. KENNEDY III, Massachusetts
RANDY K. WEBER SR., Texas	AMI BERA, California
SCOTT PERRY, Pennsylvania	ALAN S. LOWENTHAL, California
STEVE STOCKMAN, Texas	GRACE MENG, New York
RON DeSANTIS, Florida	LOIS FRANKEL, Florida
DOUG COLLINS, Georgia	TULSI GABBARD, Hawaii
MARK MEADOWS, North Carolina	JOAQUIN CASTRO, Texas
TED S. YOHO, Florida	
SEAN DUFFY, Wisconsin	

AMY PORTER, *Chief of Staff*      THOMAS SHEEHY, *Staff Director*  
JASON STEINBAUM, *Democratic Staff Director*

---

SUBCOMMITTEE ON ASIA AND THE PACIFIC

STEVE CHABOT, Ohio, *Chairman*

DANA ROHRABACHER, California	ENI F.H. FALEOMAVAEGA, American Samoa
MATT SALMON, Arizona	AMI BERA, California
MO BROOKS, Alabama	TULSI GABBARD, Hawaii
GEORGE HOLDING, North Carolina	BRAD SHERMAN, California
SCOTT PERRY, Pennsylvania	GERALD E. CONNOLLY, Virginia
DOUG COLLINS, Georgia	WILLIAM KEATING, Massachusetts

## C O N T E N T S

---

	Page
<b>WITNESS</b>	
The Honorable Scot Marciel, Principal Deputy Assistant Secretary, Bureau of East Asian and Pacific Affairs, U.S. Department of State .....	5
<b>LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING</b>	
The Honorable Scot Marciel: Prepared statement .....	8
<b>APPENDIX</b>	
Hearing notice .....	24
Hearing minutes .....	25
The Honorable Gerald E. Connolly, a Representative in Congress from the Commonwealth of Virginia: Prepared statement .....	26
Written responses from the Honorable Scot Marciel to questions submitted for the record by the Honorable Steve Chabot, a Representative in Congress from the State of Ohio, and chairman, Subcommittee on Asia and the Pacific .....	28



## THAILAND: A DEMOCRACY IN PERIL

---

TUESDAY, JUNE 24, 2014

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON ASIA AND THE PACIFIC,  
COMMITTEE ON FOREIGN AFFAIRS,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 2 o'clock p.m., in room 2172 Rayburn House Office Building, Hon. Steve Chabot (chairman of the subcommittee) presiding.

Mr. CHABOT. The subcommittee will come to order.

Good afternoon and welcome to this afternoon's subcommittee hearing. I want to thank the gentleman from California, Mr. Bera, for serving as today's ranking member and also thank our distinguished witness, Principal Deputy Assistant Secretary Scot Marciel, for being here. For reasons beyond our control we had to reschedule today's hearing from last week, so I appreciate your flexibility. While the Department of Defense was previously scheduled to also testify, they rescinded their participation and were no longer able to join the panel, which is unfortunate. Mr. Marciel, I hope you will be able to address some of their perspectives on the situation in Thailand and the responses to the coup in their absence to the best of your ability. I note the nodding of your head that indicates you will be able to do that and we thank you for that.

Today's hearing was called to examine the implications of the Royal Thai Army's coup d'état on Thailand's alliance with the United States and to assess the administration's responses to the junta's seizure of power.

Over the past year or so, we have witnessed Thailand descend into a state of complete political impasse. Since late last year, protests of up to 200,000 people immobilized Bangkok, challenging the government's right to rule; the February 2014 elections were boycotted by the opposition Democratic Party and Thailand's Constitutional Court declared them null and void; Prime Minister Yingluck was forced out of office on corruption charges and faces impeachment by the Senate; and finally on May 20th the Royal Thai Army declared martial law and formally took control of the country on May 22nd.

Almost immediately, the junta suspended Thailand's Constitution, imposed a nationwide curfew, blocked international media, banned public gatherings of more than five people, detained journalists and academics, arrested political leaders, shut down nearly 3,000 local radio stations, and censored over 300 Web pages. While

the curfew has since been lifted, restrictions on media remain in place, some activists still remain in detention, and civil society is living under a dark shadow fearing reprisal by the junta, which has issued harsh warnings against all political activities or public comments seen threatening to the monarchy or the junta's control.

The latest coup is Thailand's second since 2006 and twelfth since 1932. But even amid a series of coups, Thailand has long been considered an outpost of democracy and liberal ideas in Southeast Asia. Surely, against the likes of Hun Sen's dictatorial hand in Cambodia, the long-time junta-controlled government in Burma, and the authoritarian communist regimes in Vietnam and Laos, this was not so difficult of a status to maintain.

Today, however, former political leaders, activists, and workers are fleeing Thailand for Cambodia to escape the increasing intolerance of dissent imposed by the junta. Only 1 year ago, this direction of migration would have been unheard of. While this flight of people continues, Thailand faces a serious reputational reckoning as the international community questions Thailand's status as a beacon of democracy in Asia. Its political crisis has already created a sense of unease among foreign investors, and because of the instability and uncertainty, those investors are running cold.

The junta claims that seizing power was necessary to save Thai democracy's long-term prospects—also what they said during the 2006 coup—yet, military junta chief Prayuth Chano-cha has said there will be no win-win situation following the coup and that citizens must temper their expectations. The military has one goal, though, which is to decrease the power of the Thai Rak Thai Party, whose followers are called the "Red Shirts." Promulgating a new constitution to reduce the power of the political parties in the Parliament, just as it did in 2007, and further strengthening the role of military and monarchy is likely how the junta will accomplish this. Whichever way you cut it, Thailand's democracy is in peril.

The United States and Thailand have been allies since 1954 and friends for 180 years, but this latest coup raises a myriad of challenges for the alliance. Thailand serves as a regional operational platform for over 50 U.S. Government agencies, and acts as an anchor for a multitude of U.S. regional security initiatives. According to U.S. law, though, any country whose duly elected government is deposed by military coup is prohibited from receiving any direct foreign assistance until a new democratically elected government has taken office.

The actions taken by the State Department immediately following the coup, which included suspending an estimated \$10.5 million in foreign assistance to Thailand for Fiscal Year 2014, and the Defense Department's suspension of two bilateral military exercises and high-level official visits scheduled this month, were appropriate. However, there are estimations that this coup could last for up to 2 years. The administration's actions thus far only impose penalties through September—the end of the 2014 Fiscal Year.

Thailand's military is a regular recipient of FMF and IMET assistance, totaling about \$8 million for the past 3 years. But over the course of the last few decades, the U.S. has spent millions promoting good governance through democracy and rule of law activities in Thailand. With so much invested in training and empow-

ering the Thai military, I have to question the effectiveness of this assistance and whether it has had any real impact on encouraging democratic values within the Thai military itself.

I hope, Mr. Marciel, you can discuss the administration's long-term plans regarding additional restrictions that may be put in place while the junta remains in power, and how the administration will reformat its aid programs in Thailand to support true democratic forces within the country.

Finally, while I understand that imposing restrictions or suspending certain activities raises fears of damaging multilateral relations beyond Thailand, the U.S. must stand by its commitment to support the democratic values that millions of Thais support, versus the junta's notion of a guided democracy that will weed out political party influence. The U.S. needs to act with prudence and measure, with acknowledgment that bilateral relations cannot proceed as they did only a couple months ago until free and fair elections allow the people of Thailand to duly elect their leaders.

I think we all look forward to hearing from our witness this afternoon. I would now like to yield to Mr. Bera for his opening remarks for 5 minutes.

Mr. BERA. Thank you, Chairman Chabot, for calling this important hearing and, obviously, a very timely hearing and thank you to Mr. Marciel for being here.

For the past 6 years, Thailand has been a crucial ally and a long-standing friend. The Thais have been critical partners in carrying out many U.S. Government programs in a variety of areas such as health care, refugee assistance and defense cooperation.

Nevertheless, I am concerned along with the chairman with Thailand's political deadlock, the restriction of freedom of the press and assembly and the detention of political leaders and journalists.

As the world's greatest democracy, we must call on the Thai military to respect human rights and free speech and to refrain from the crackdown of press, protests and arrested people for free speech and political beliefs.

Furthermore, the last decade has proven to be a particularly challenging one for Thailand as it has been embroiled in a great power struggle between the Red Shirts and the Yellow Shirts—two movements with clear fundamental socioeconomic differences.

In 2006, the Prime Minister was accused of corruption and was deposed by a military coup. Since then, there have been sporadic outbreaks of violence from both sides of the political divide.

In 2011, Thaksin's sister, Yingluck, became Prime Minister of Thailand. Last November, thousands of anti-government protestors assembled in Bangkok to object to an amnesty bill that many believed would allow Thaksin to return from exile without facing corruption charges.

Due to the mounting pressure from the opposition, Prime Minister Yingluck announced that elections were going to take place in February of this year but she stated that she would not step down from her position until the newly elected government could take office.

Unfortunately, the February election results were found to be invalid due to the opposition's boycotting of the polls. Prime Minister Yingluck remained in power until May 7th when the Thailand con-

stitutional court ousted her and several officials from office for abuse of power.

On May 20th, martial law was implemented throughout Thailand and on May 22nd the military established Thailand's interim government. As a result of Thailand's military takeover, the U.S. suspended military training exercises and froze \$10.5 million in foreign assistance.

In late May, Army Commander Prayuth, the head of the National Council for Peace and Order, stated that he expected the interim government to be in charge for at least the next 14 months or until peace, order and reform is achieved.

As one of our oldest geopolitical allies, I do hope that the Thai military moves quickly to hold free and fair elections so they can transition to a peaceful, democratic civilian-led government.

I am also encouraged that Thailand revealed a three-phase road-map last month which is a positive step toward bettering the lives of the Thai people and restoring democracy.

Again, thank you, Chairman Chabot, for holding this important discussion where we have an opportunity to review our positions and policies on Thailand. I would like to again thank Ambassador Marcil for being here and I look forward to his testimony. I yield back.

Mr. CHABOT. Thank you very much. The gentleman from California, who is also the ranking member of the Terrorism, Non-proliferation, and Trade Subcommittee, is recognized for 1 minute.

Mr. SHERMAN. Thank you. Thailand has been our friend for a long time. I associate myself with the chair and the ranking member. It is a shame to see this division. The Shinawatra group might not be the one that I would support if I was a citizen of Thailand.

I am not. We need to support democracy even if a majority of the people that we would interact with—the business class, the most educated, those in the capital—are wearing yellow shirts.

It is not which group can put the most people on the streets in central Bangkok. It is which side can win elections. One hopes that some middle ground is found.

I would like to go to Thailand and see orange shirts on everyone. But—and I think we should try to do what we can that is appropriate to facilitate that. But ultimately this is a case where we need to respect democracy, and I yield back.

Mr. CHABOT. Thank you very much. The gentleman yields back and I would now like to turn to the gentleman from California, Mr. Rohrabacher, who is the chairman of the Europe, Eurasia, and Emerging Threats Subcommittee.

Mr. ROHRABACHER. Thank you very much. It seems like a lifetime ago I had spent some time in Vietnam in 1967. I wasn't with the military but I was up with the Montagnards in the central highlands and I—when I left Vietnam I was very disillusioned by the hatred and the murder and the killing and the mayhem that I saw going on.

And I went to Thailand on the way home and there were people who were smiling and they were happy people and they were an island of tranquility and goodness in the middle of bloodletting and despotism that was happening all around them.

This was true. The stability and happiness and prosperity that Thailand has had over the years has always been such a blessing that we have all thought we have all rooted for that. And it is heartbreaking now for those of us who have always considered the Thai people to be brothers and sisters to see that island of happiness and stability and good will now turning into chaos and negative sentiments and vitriol.

We would hope that the military does not make the wrong decision and stay too long. Perhaps they needed to—we'll find out from our witness—whether or not they needed to go in in the first place.

But the worst thing that can happen to Thailand now is if the military who came to stop all of this decides that they are going to stay and then systematizes and cements this negativity into their society.

So we wish the Thai people success in recapturing the positive spirit they once had. Thank you very much.

Mr. CHABOT. Thank you very much. And I would now like to introduce our witness panel this afternoon. It is a witness panel of one and that is Mr. Scot Marciel, who has served as the Principal Deputy Assistant Secretary for the Bureau of East Asia and Pacific Affairs since August 2013. Previously, he was U.S. Ambassador to the Republic of Indonesia. Prior to that, Mr. Marciel served as Deputy Assistant Secretary, East Asia and Pacific Bureau, where he was responsible for relations with Southeast Asia and was Ambassador for ASEAN Affairs. He has been a career member of the Senior Foreign Service since 1985 during which time he has served in Vietnam, the Philippines, Hong Kong, Brazil and Turkey, as well as in the Economic Bureau's Office of Monetary Affairs. Mr. Marciel grew up in Fremont, California. He is a graduate of the University of California at Davis and the Fletcher School of Law and Diplomacy. We welcome you here this afternoon.

I am sure you are familiar with our 5-minute rule and we would suggest that since you are one you can expand a little bit but if you could keep it close to 5 minutes we would appreciate it. Thank you very much. You are recognized for 5 minutes.

**STATEMENT OF THE HONORABLE SCOT MARCIEL, PRINCIPAL DEPUTY ASSISTANT SECRETARY, BUREAU OF EAST ASIAN AND PACIFIC AFFAIRS, U.S. DEPARTMENT OF STATE**

Mr. MARCIEL. Chairman Chabot, members of the subcommittee, thank you for the opportunity to appear before you today to discuss the recent coup in Thailand.

Mr. Chairman, last year we celebrated 180 years of friendly relations with Thailand, one of our five treaty allies in Asia. We have enjoyed very close relations and U.S.-Thai cooperation on a wide range of issues has been a extremely good for a long time.

Our militaries engage in bilateral and multilateral exercises that provide invaluable opportunities to develop relationships and increase coordination and cooperation. For many years, Thailand has also been an important partner on important humanitarian goals and priorities.

We enjoy excellent cooperation on health, health research and many other issues. In addition, diplomatically Thailand has played

a constructive role in the Asia Pacific region including as a member of ASEAN and APEC.

The United States is both Thailand's third largest trading partner, with more than \$37 billion in two-way trade, and its third largest investor with more than \$13 billion in cumulative foreign direct investment.

Our Embassy in Bangkok is a regional hub for the U.S. Government and remains one of our largest missions in Asia. Very importantly, we also enjoy extremely close people-to-people ties with Thailand. So for all these reasons, we care deeply about our relationship and about the people of Thailand.

For many years, we were pleased to see Thailand build prosperity and democracy, becoming in many ways a regional success story as well as a close partner. Over the past decade, however, Thailand has grappled with an internal political debate that has divided not only the political class but society as a whole.

Describing this complex debate would take more time than we have today, but in the simplest terms it is between the supporters and opponents of former Prime Minister Thaksin Shinawatra, whose approach to politics and governance made him—gave him significant influence but also made him a polarizing figure.

The debate also reflects deeper conflicts between segments of society based both on socioeconomic status and on geography and these divisions contributed to a coup in 2006 and again, unfortunately, last month.

This latest coup came at the end of 6 months of intense political struggle between rival groups that included months-long demonstrations in the streets of Bangkok. Military leaders argued that the coup was necessary to prevent violence, end political paralysis and create the conditions for stronger democracy.

Our position during the entire past decade of turbulence and specifically during the last 6 months of turmoil has been to avoid taking sides in Thailand's internal political competition while stressing our support for democratic principles and for the bilateral relationship.

Prior to the coup, we publicly and privately stated our opposition to a coup or other extra constitutional actions, stressing that the solution in a democracy is to let the people select their leaders through elections.

We consistently communicated that message to Thai officials through our Ambassador, visits by senior officials and through military channels. When the coup nonetheless took place, we immediately criticized it.

Beginning with Secretary Kerry's statement on May 22, we have consistently called for the restoration of civilian rule, a return to democracy and full respect for human rights.

We have told Thai officials that we understood their frustration with their longstanding political problems but also stressed that coups do not solve these problems but are themselves a step backwards.

Recent events have shown that the current coup is both more repressive and likely to last longer than the previous one. The ruling military council has summoned, detained and intimidated hun-

dreds of political figures, academics, journalists, online commentators and peaceful protestors.

It continues to censor the media and the Internet. The military government has said they will appoint an interim government by September and has laid out a vague time line for elections within approximately 15 months.

Its stated intention is to reduce conflict and partisanship within society, thereby paving the way for a more harmonious political environment when civilians return to control. Frankly, we do not see how the coup and subsequent repressive actions will produce the political compromise and reconciliation that Thailand needs.

Like most Thai, we want Thailand to live up to its democratic ideals, strengthen its democratic institutions and return to democratic governance. The coup and post-coup repression have made it impossible for us to proceed with a business as usual approach to Thailand. As required by law, we have suspended more than \$4.7 million of security-related assistance.

In addition, we have cancelled high-level engagements, exercises and a number of training programs with the military and police. For example, we have halted a bilateral naval exercise that was under way when the coup occurred and cancelled an Army exercise scheduled for this month.

We continue to review other programs and engagements and will consider further measures as circumstances warrant. At the same time, mindful of our long-term strategic interests, we remain committed to maintaining our enduring friendship with the Thai people and nation, including the military.

The challenge we face is to make clear our support for a rapid return to democracy and human rights while also working to ensure we are able to maintain and strengthen this friendship and alliance over the long term.

After democracy is restored, we fully hope and intend that Thailand will continue to be a crucial partner in Asia for many decades to come.

Thank you for inviting me to testify. I look forward to trying to answer your questions. Thank you.

[The prepared statement of Mr. Marciel follows:]

Testimony of Scot A. Marciel  
Principal Deputy Assistant Secretary of State  
Bureau of East Asian and Pacific Affairs  
U.S. Department of State  
Before the  
House Committee on Foreign Affairs  
Subcommittee on Asia and the Pacific  
June 23, 2014  
For Hearing on “Thailand: A Democracy At Risk”

Chairman Chabot and Members of the Subcommittee, thank you for the opportunity to appear before you today to discuss the recent coup in Thailand.

**The U.S.-Thai Relationship**

Mr. Chairman, last year, we commemorated 180 years of friendly relations with Thailand, one of our five treaty allies in Asia. We have enjoyed very close relations, and U.S.-Thai cooperation on regional and global law enforcement, non-proliferation, and security has been extremely good. Our militaries engage in a wide range of important bilateral and multilateral joint exercises. Thailand is host to the largest such event in the Asia-Pacific region, the annual Cobra Gold joint exercise, which brings together the armed forces of 27 countries, including the United States, Thailand, Indonesia, Japan, South Korea, Malaysia, Singapore, and a number of observer countries. These exercises provide invaluable opportunities for our militaries to develop important relationships and increase coordination and cooperation, including on responding to humanitarian disasters.

For many years, Thailand also has been an important partner on humanitarian goals and priorities. It hosted hundreds of thousands of refugees after the Vietnam War, and even today hosts 140,000 refugees, including politically-sensitive minority groups which face problems or persecution elsewhere in the region. Thailand has long played a constructive role in the Asia-Pacific region, including as a member of ASEAN and APEC. In recent years, we have worked closely with the Thais to respond to natural disasters in the region, including when neighboring Burma was hit by a devastating cyclone in 2008. We also work closely together on health

issues, one of our major cornerstones for successful bilateral cooperation with the presence of the Centers for Disease Control and Prevention and the Armed Forces Research Institute of Medical Science (AFRIMS), where they have helped develop the only vaccine for HIV/AIDS ever proven efficacious in human trials.

Commercially, the United States is both Thailand's third-largest bilateral trading partner with more than \$37 billion in two-way trade, and its third-largest investor with more than \$13 billion in cumulative foreign direct investment. Thailand has the second-largest economy in Southeast Asia, after Indonesia, and our American Chamber of Commerce in Bangkok represents a diverse body of more than 800 companies doing business across nearly all sectors of the Thai economy.

Our Embassy in Bangkok is a regional hub for the U.S. government and remains one of our largest missions in Asia, with over 3,000 Thai and American employees representing over 60 departments and agencies. We enjoy close people-to-people ties, and more than 5,000 Peace Corps Volunteers have served successfully in Thailand over the past 52 years.

So for all these reasons, we care deeply about our relationship and about the people of Thailand. For many years, we were pleased to see Thailand build prosperity and democracy, becoming in many ways a regional success story as well as a close partner on shared priorities such as counterterrorism, wildlife trafficking, transnational crime, energy security, and conservation of the environment.

### **Thailand's Political Situation and Coup**

Over the past decade, however, Thailand has grappled with an internal political debate that has increasingly divided not only the political class but society as a whole. Describing this complex debate would take more time than we have today, but in the simplest terms it is between supporters and opponents of former Prime Minister Thaksin Shinawatra, whose approach to politics and governance gave him significant influence but also made him a polarizing figure. The debate also reflects deeper conflicts between different segments of society based both on socio-economic status and on geography. For the past ten years, Thai politics has been dominated by debate, protests, and even occasional violence between these groups competing for political influence. These divisions led to a coup in 2006 and again, unfortunately, last month.

This latest coup came at the end of six months of renewed, intense political struggle between rival groups that included months-long demonstrations in the streets of Bangkok and occupations of government buildings. Efforts to forge a compromise failed, and on May 22 the armed forces staged a coup. Military

leaders argued that the coup was necessary to prevent violence, end political paralysis, and create the conditions for a stronger democracy.

Our position during the past decade of turbulence, and specifically during the recent six months of turmoil, has been to avoid taking sides in Thailand's internal political competition, while consistently stressing our support for democratic principles and commitment to our relationship with the Thai nation. On numerous occasions, we publicly and privately stated our opposition to a coup or other extra-constitutional actions, stressing that the only solution in a democracy is to let the people select the leaders and policies they prefer through elections. We consistently communicated that message directly to Thai officials, at high levels, through our Ambassador in Bangkok and during the visits of senior State Department officials to Thailand, as well as through both high-level and working-level military channels.

When the coup nonetheless took place, we immediately reiterated our principled opposition to military intervention. Beginning with Secretary Kerry's statement on May 22, we have consistently criticized the military coup and called for the restoration of civilian rule, a return to democracy, and full respect for human rights and fundamental freedoms, including the freedoms of expression and peaceful assembly. We have told Thai officials that we understood their frustration with their long-standing political problems, but also stressed that coups not only do not solve these problems, but are themselves a step backwards.

Initially, we held out hope that – as happened with the 2006 coup – the military would move relatively quickly to transfer power to a civilian government and move towards free and fair elections. However, recent events have shown that the current military coup is both more repressive and likely to last longer than the last one. The ruling military council has continuously summoned, detained, and intimidated hundreds of political figures, academics, journalists, online commentators, and peaceful protesters. It continues to censor local media sources and the internet, and has in the past weeks blocked international media as well. Actions by military authorities have raised anxiety among minority groups and migrant workers living within Thailand. For example, recent reports indicate that close to 200,000 Cambodian workers have fled Thailand out of fear that the military council will crack down on undocumented workers.

The military government has said that it will appoint an interim government by September, and has laid out a vague timeline for elections within approximately 15 months. Its stated intention, during the period of military rule, is to reduce conflict and partisanship within society, thereby paving the way for a more harmonious

political environment when civilians return to control. Meanwhile, the military government has begun a campaign to remove officials perceived to be loyal to the previous government. Many board members including chairs (mostly appointed by former Prime Minister Yingluck Shinawatra and former Prime Minister Thaksin Shinawatra) of Thailand's 56 state owned enterprises have been strongly encouraged to resign their positions in favor of military-selected replacements. Rapid, sweeping changes are being proposed in the energy and labor sectors, and greater foreign investment restrictions are being considered in industries like telecommunications.

We do not see, however, how the coup and subsequent repressive actions will produce the political compromise and reconciliation that Thailand so desperately needs. We do not believe that true reconciliation can come about through fear of repression. The deep-rooted underlying issues and differences of opinion that fuel this division can only be resolved by the people of Thailand through democratic processes. Like most Thai, we want Thailand to live up to its democratic ideals, strengthen its democratic institutions, and return peacefully to democratic governance through elections.

#### **Protecting Our Interests and Preserving Democracy**

Our interests include the preservation of peace and democracy in Thailand, as well as the continuation of our important partnership with Thailand over the long-term. We remain committed to the betterment of the lives of the Thai people and to Thailand regaining its position of regional leadership, and we believe the best way to achieve that is through a return to a democratically elected government.

The coup and post-coup repression have made it impossible for our relationship with Thailand to go on with “business as usual.” As required by law, we have suspended more than \$4.7 million of security-related assistance. In addition, we have cancelled high-level engagements, exercises, and a number of training programs with the military and police. For example, in coordination with the Department of Defense, we halted bilateral naval exercise CARAT (Cooperation Afloat Readiness and Training), which was underway during the coup, and canceled the planned bilateral Hanuman Guardian army exercise. We continue to review other programs and engagements, and will consider further measures as circumstances warrant. Many other nations have expressed similar views. Our hope is that this strong international message, plus pressure from within Thailand, will lead to an easing of repression and an early return to democracy.

At the same time, mindful of our long-term strategic interests, we remain committed to maintaining our enduring friendship with the Thai people and nation,

including the military. The challenge facing the United States is to make clear our support for a rapid return to democracy and fundamental freedoms, while also working to ensure we are able to maintain and strengthen this important friendship and our security alliance over the long term.

Moving forward, it is important that the transition to civilian rule be inclusive, transparent, timely, and result in a return to democracy through free and fair elections that reflect the will of the Thai people. After democracy is restored, we fully hope and intend that Thailand, our longtime friend, will continue to be a crucial partner in Asia for many decades to come.

#### **Conclusion**

In closing, let me make one final point. Strong, enduring, bipartisan Congressional support for our efforts to move Thailand back towards its democratic tradition and to preserve our long-term friendship and interests are essential for a successful outcome.

Thank you for inviting me to testify on this important topic. I am happy to answer any questions you might have.

Mr. CHABOT. Thank you very much. We appreciate your testimony here this afternoon and we will now have members ask questions and I will recognize myself for 5 minutes to ask the first question.

Thailand's second coup in a decade has demonstrated what seems to be a greater trend emerging in Southeast Asia. Democracy is hanging by a thread in Cambodia, Burma, and has regressed in Malaysia. It never really existed in Vietnam or Laos and it is in peril now in Thailand. In addition, efforts to establish a more effective democracy—as the Royal Thai Army is attempting under its latest coup—is setting a bad precedent and really sending the wrong message. My question is this: Is the administration concerned that the deterioration of the democratic process in Thailand is doing just that, sending a bad precedent for the region, particularly in Burma where the military has been reluctant to live up to its reform commitments?

Mr. MARCIEL. Thank you, Mr. Chairman. Certainly, promoting democracy and human rights is a key part of our foreign policy, of course, everywhere, and certainly in Southeast Asia.

So we look at the coup in Thailand primarily bilaterally in the impact on Thailand itself. But you are right, also the negative example it sends—it sets for the region.

I guess maybe I am slightly on the more optimistic side but I would note that in Southeast Asia over the last 10 to 20 years I think we have actually seen some significant progress, most notably, of course, in Indonesia, which is a free democracy and will have its elections very soon. The Philippines, in Burma, as you mentioned, there is a lot more—a lot of room to go.

I think there has been some significant progress in recent years but, as I said, a huge amount of work still to be done and we would rather have positive examples. One other point I might highlight, Mr. Chairman, is that it was interesting to me to see the regional response to the coup in Thailand.

I would argue that 10 years ago none of the neighbors in ASEAN would have said anything. But in this case, certainly Indonesia spoke out and others did as well, expressing concern and a hope for a return to normalcy and to stability and I think that is a positive sign in the region.

I don't want to exaggerate it but I think what we are seeing is that democracy is more the standard and things like coup are less acceptable even in the region than they used to be and I think that is a positive sign.

Mr. CHABOT. Thank you. Their military has been largely silent about the whereabouts of certain citizens that remain in detention. The National Council for Peace and Order, NCPO, claims it is only talking with citizens it detains to explain to them why the military took over. It also claims most people are detained for only a few hours while those with stronger political views are detained not more than 7 days. However, over the weekend the NCPO revealed that it has kept a Red Shirt activist, Ms. Kristuda, in detention for 3 weeks to "help her mediate, restore consciousness and reconsider many things so that they can adjust her understanding."

Mr. Marciel, can you explain what this means and whether the detention of individuals without charges are in accordance with

international human rights standards? And also even though we have not heard of any detainees being harmed or mistreated to date, at least that I am aware of, they were all required to sign documents saying that they were not harmed, intimidated, coerced, misled, tortured or forced to give or commit any inappropriate act before they were released? However, I might add, a number of people have said they were subject to intimidation and an aggressive interrogation and, before released, issued direct warnings. Don't these actions betray the junta's claims that it is not harming or intimidating targeted individuals and does the State Department have any idea how many people may still be detained against their will?

Is it the administration's plan to address this clamp down on fundamental freedoms by restricting certain engagement activities? So that is a lot to respond to but you have 38 seconds.

Mr. MARCIEL. Thank you, Mr. Chairman.

We are deeply troubled by the—by the military council's actions. They are continuing to summon and detain and intimidate political figures, academics, journalists, peaceful protestors.

We have publicly and in our private conversations with government authorities have emphasized that, you know, priority number one for us is to end this practice of detaining people.

To be honest, our information is very similar to yours in terms of what is happening that we—though we haven't seen evidence of physical mistreatment but certainly intimidation that is leading a lot of people to choose not to talk.

This is a problem. I don't know the particular case of Ms. Kristuda but we will certainly look into it but—

Mr. CHABOT. If you could look into that we would appreciate it.

Mr. MARCIEL. Sure.

Mr. CHABOT. Thank you very much. My time has expired. The gentleman from California, Mr. Bera, is recognized for 5 minutes.

Mr. BERA. Thank you, Chairman Chabot.

A hundred and eighty years of friendship certainly makes Thailand one of our oldest and most reliable friends and, certainly, listening to my colleague from California, Mr. Rohrabacher, Thailand has in its past represented a bastion of stability and peace and certainly, Ambassador Marciel, you talked about the people-to-people ties.

So, certainly, the strong relationship there. So it is a very important relationship to the United States and one that we would love to get back to as quickly as possible to the mutual benefit of both countries.

Could you expand on why this relationship is so important to U.S. interests and what benefits we have seen from the relationship?

Mr. MARCIEL. Thank you, Congressman. It is a good question and I know Congressman Rohrabacher talked about being there, you know, some years ago when it was a bastion and, of course, the relationship goes back 180 years. The treaty relationship goes back to 1954.

And we have, over the many years, built up extremely close relations and cooperation on a huge range of issues. Of course, we have

the security alliance where we have worked together in many areas including the Vietnam War back in the '60s and early '70s.

We worked very closely with Thailand for many years after the war and even since then, dealing with huge refugee outflows from neighboring countries. There are still about 140,000 refugees in Thailand.

But on other areas we work—do great work doing health research together, working on disaster relief. I remember flying into Burma in 2008 from a Thai air force base with a Thai general to start the process of delivering relief supplies to the Burmese after the terrible cyclone that hit there.

We have had Peace Corps there, thousands of Peace Corps volunteers and students. What we have had is we have built up a huge amount of trust over the years. The main—you know, the Thai are very proud and very nationalistic so they don't surrender their sovereignty at all.

But they have been willing to work with us to fix common problems without a lot of bureaucracy and so on, just a very practical, pragmatic opportunity, and it has also been, as we said earlier, become a huge center for our regional operations.

We do a lot of our regional assistance out of there just because we have very good pragmatic cooperation on a wide range of issues. So it is a hugely valuable relationship to us.

Mr. BERA. And, certainly, an important one for us to get back to. But as we have all pointed out, this has been a difficult decade for Thailand. You know, when we think about how we get back to some normalcy, what are some possible scenarios with regards to how long the military rule could last in Thailand and, you know, what are some things that we can do from our side in the U.S. that informs the junta's decisions to move a little bit more swiftly toward conducting elections?

Mr. MARCIEL. Well, the military leaders have talked about a rough time frame of 15 months. What we have said is that there is a couple of steps. First and foremost, we have urged them and continue to urge them every day to end the practice of detaining people and the censorship.

So these sorts of things are things that could be done, we think, quickly—lift martial law—that would not bring about a return to democracy immediately but certainly change the environment significantly, and then we think they can move more rapidly to elections.

They have talked about the need for reform. Pretty much every government in the world can benefit from some reforms as long as the process is inclusive and reflects the will of the people.

So we will continue to urge them and many other countries are continuing to urge them to move more rapidly. It is, to be honest, very hard to predict, though, how long they are going to stay in power at this point.

Mr. BERA. I have got two quick questions. One, knowing that this is tourist season and many Americans will, you know, often will go visit Thailand, are there any threats to U.S. citizens in this period at this juncture?

Mr. MARCIEL. Congressman, this is something, of course, our Embassy and we monitor extremely closely. We haven't seen

threats. We haven't seen things that are really dangerous. We did issue a travel notice just making people aware of the overall situation but not of specific threats, no.

Mr. BERA. Okay. And just very briefly, the Thai junta has talked about this three-phase roadmap. Do you think you could describe, you know, in brief that three—those three phases for us?

Mr. MARCIEL. Well, they have talked about, first, kind of a—I don't remember the term they used but kind of a cooling off period to try to reduce the tensions and then a period of reform, which has been quite vague, to be very honest.

We don't know what types of reforms they are talking about, the interim government being established this September, which we—you know, we don't know much about what that would be.

It wouldn't be democratically elected, though. It would be appointed and then leading to elections roughly a year after that. But it is quite vague, to be honest.

Mr. BERA. Okay.

Mr. CHABOT. Gentleman's time has expired. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. PERRY. Thank you, Mr. Chairman, and thank you, Scot, for your testimony today. Just wondering how China has responded to the events, and with the luxury of hindsight if you can speak to how they responded or tried to influence Bangkok after the 2006 coup. What were there successes? Are there any parallels currently?

Mr. MARCIEL. It is a good question, Mr. Congressman. I would say that I don't think there is any outside power that has undue influence in Thailand, including us or China. I mean, these political issues are being dealt with very much on an internal basis with Thai decisions.

So I don't think there is an outside hand, *per se*. I can't really speak for the Chinese Government. I would assume, looking at what they are doing around the region, that they are doing all they can to build closer relations with all the countries and I would assume that goes for Thailand.

It is a very close trading partner already and right on their border. I don't know of anything significant after 2006, certainly as a result of the coup that—anything that changed. So, again, this is pretty much a domestic driven matter. Again, I am hesitant to speak on behalf of the Chinese Government where they are. But we are not seeing anything dramatic.

Mr. PERRY. All right then. If they don't move back to a representative government within some reasonable time, and I don't know what the reasonable time frame and I have never visited but I am just trying to gauge through you the sentiment of the people, at what point have they had enough?

Is there a concern—is there any propensity to civil war over this or are they going to be satisfied for a fairly long period of time? What is a reasonable period of time? Is the 14—I have read 14 months somewhere as reasonable as the expectation people and is that acceptable?

Mr. MARCIEL. It is a very good and difficult question, one that we are asking ourselves as well. My own view is that the Thai people have embraced democracy and while there was no doubt much

frustration with the political paralysis and corruption and all these issues that people have been talking about for some time, my strong sense and our strong sense is the Thai people very much value their freedoms and their democracy.

So I wouldn't want to put a time on it but I would expect that the Thai people over time, if there is not movement toward a restoration of civil and political liberties and movement toward reasonable elections, that over time there will be more and more Thai people who will look for opportunities to express their unhappiness.

Can't really put a time frame on it but I do think the majority of Thai people have made clear they want democracy and, certainly, that is our view as well.

Mr. PERRY. Is there any concern regarding U.S. policy toward other important issues such as the transition in Burma or ASEAN's South China Sea diplomacy with China and human trafficking in the region? Is there any concern with those issues?

Mr. MARCIEL. Well, Thailand is an important player on all of those issues. Certainly, we have had good cooperation with Thailand authorities in terms of support for the reforms in Burma.

They are very active as—within ASEAN they are the dialogue partner at this time for China on South China Sea issues. So they play an important role. Certainly, on trafficking in persons we have a lot of work to do with the Thai in that area.

It is a little bit early to know what is going to happen under this military council. What I can say is that political problems over the last decade have sometimes limited Thailand's ability to be as active as it normally would.

But the Foreign Ministry is a very professional group and they have actually, generally speaking, continued to be very active and constructive and we would hope that that will continue going forward.

Mr. PERRY. All right. In the limited time I have, just as a narrative and maybe you can comment, it seems, you know, based on what I have read and what you have testified so far today is that this is the quintessential example of all politics is local.

There is not much we could have done or should have done. There is not much we can do. It is going to play itself out and seems like at least for the United States interest at this point life in Thailand is going to continue on and our relationship is going to continue on and they are going to figure out where they want to be or not, and in the next period of time we are going to sit and observe. That is what I gather from this.

Mr. MARCIEL. Mr. Congressman, I agree with you that, you know, most of the fixing of this problem really has to come from the Thai people themselves, like most other countries.

We have and will continue to urge—and a lot of other countries around the world are doing the same—trying to urge them to move back toward democracy as quickly as possible. We have some small assistance programs that we hope to continue under notwithstanding provisions that would allow us to work in those areas as well. What I would say is that we will have to observe certain things.

The relationship we want to maintain long term but meanwhile, until there is a return to elected government, we won't be able to

do business as usual. In other words, there are certain limitations and restrictions on the relationship until democracy is restored.

Mr. PERRY. Thank you, Mr. Chairman. I yield.

Mr. CHABOT. Thank you. The gentleman's time has expired. The gentleman from California, Mr. Rohrabacher, is recognized for 5 minutes.

Mr. ROHRABACHER. Again, for those of us who have—consider ourselves friends or even part of the family of—with the Thai people it is heartbreaking to see this slide from being a positive society into a society where there is such negativity and animosity that seems to be springing up among those people who I used to think of as the people with smiles.

And according to your testimony, you are telling us that this negative transition is not caused by necessarily ideology and we know it is not caused by religious differences like we see in other countries where people start killing each other like in Northern Ireland and other places.

But instead you are suggesting it is geography and partisanship, and that is very interesting that we have got forces at play that are bringing people to this—democratically-inclined people toward this negative situation.

In Europe, when you have people who seem to be at conflict with one another that—and there doesn't seem to be a major ideological split and that it seems more on personality and then, as you say, partisanship and geography, there is an organization called the OSCE that comes in, as they are now in Ukraine to try to help the people there come to an understanding of where they are at and how they might get the situation reversed and going in a positive direction. Is there no OSCE in the Asia Pacific area?

Mr. MARCIEL. Mr. Congressman, no, there isn't and, I mean, there is ASEAN, which, you know, as I mentioned has raised a few questions about this. But it is a very different organization than OSCE and the Thai before the coup did not seem at all receptive to the idea of outside parties.

I think there were some high-level U.N. people who looked to see if they might be able to engage and help and there was a lot of push back from the Thai.

Mr. ROHRABACHER. I would call on the military in Thailand now from—as advice from a friend that they call in outside people to try to—like you would do if you were having a dispute in your family you might want to call someone in to help counsel both sides in a positive way because—and the military is not capable of that type of reconciliation effort.

The military knows how to handle violence and they know how to use force. They do not know how to make people solve problems and be conciliatory toward each other. So I would think that establishing some organization like that, like the OSCE, in Asia—Asian Pacific would be positive.

Perhaps in this specific situation we should advise them. There must be other organizations that could come in and serve in this capacity. In the past, the king has had such a positive impact. Has the king's influence now been diminished, that he is unable to use this to solve some of this chaos that is going on?

Mr. MARCIEL. Thank you. First, I would—I would agree with you that, as I said in my testimony, we don't see how this military, if you will, suppression of partisanship—while perhaps it feels good for the moment we don't see how this solves the underlying problem and so that is part of our argument to the Thai military.

In terms of who could play a role, there were some outside groups that were very quietly behind the scenes trying to encourage a dialogue and a deal before the coup.

In terms of the king and the monarchy, he hasn't been seen very much recently and hasn't really spoken publicly to this issue. So it is a little bit hard for us to tell exactly, and given the tremendous sensitivities and reverence for the king in Thailand I wouldn't want to speculate unnecessarily.

Mr. ROHRABACHER. He has helped before and he has stepped in in the past to help bring back more stability and a better atmosphere in his country and, again, send the military back to their job and taking them out of government.

Let us just note the longer the military stays in the more likely it is that corruption and, yes, repression will emerge from that type of rule because you have—where you have control it does not mean that people will be any more honest unless or they would be more likely to do their job well.

So let us hope that this—the message we send and we are sending to the military is let us move on back to democracy as soon as we can and be very serious about finding someone to help reconcile these personality and regional and geographic differences.

Thank you very much, Mr. Chairman.

Mr. CHABOT. Thank you very much. The gentleman's time has expired. We will go to a second round. Since we don't have too many members it won't be a very long round but I recognize myself for 5 minutes.

Mr. Marciel, after the 2006 coup in Thailand, the administration then decided not to cancel the annual Cobra Gold joint military exercise. The current coup will last at least 15 months according to the junta leaders, therefore, continuing through the spring of 2015 and into the fall. Since the Cobra Gold exercise takes place that spring, does the administration intend to suspend Thailand's participation in the Cobra Gold military exercise and couldn't its location be moved out of Thailand, for example, to Australia where we have rotational troops in Darwin?

Mr. MARCIEL. It is a very good question, Mr. Chairman. The short answer is we haven't made a decision on that yet. We are certainly looking at it and our ability to go forward with it in Thailand. As you mentioned, it is a hugely important exercise not only for Thailand and the United States but for the region.

So it is something we are looking at. We have a little bit of time to work with and we will certainly be looking at it very closely. It will depend partly on what happens on the ground there. As to whether it would be something that could be moved, I would—if my military or DoD colleague were here I would defer to them. I would maybe take that question if I could.

Mr. CHABOT. Sure. Yes, that is understandable and I would just make the point in following up you indicated you are not sure at this point whether we will or we won't. But assuming that perhaps

they come to the decision to move ahead with it, I would just make the point that in light of the repressive nature of the current coup and the restrictions that are imposed by our own law, I think an argument could be made that the U.S. cannot justify Thailand's participation. Wouldn't it send the message to other nations that, irrespective of whether a military or civilian government controls that particular country the U.S. will still engage with their military?

I think it could, clearly, send the wrong message if we allowed them to participate in Cobra Gold and I would just pass that thinking along to the administration for their consideration. I assume you will make sure that happen, correct?

Mr. MARCIEL. I will, Mr. Chairman.

Mr. CHABOT. Thank you. Thank you very much. On Friday, the State Department released its 2014 Trafficking in Persons report, which downgraded Thailand from Tier 2 watch list to Tier 3 for its failure to appropriately fight human trafficking in the sex industry, in the seafood industry, and in the garment industry. Being designated to this black list with the likes of North Korea and Iran and Syria and Russia comes certain diplomatic and economic penalties in addition to the penalties dictated under law for the coup itself. Pursuant to the Victims of Trafficking and Violence Protection Act of 2000, countries on Tier 3 are subject to certain restrictions on bilateral assistance such as nonhumanitarian and nontrade-related foreign assistance. These countries may also lose access to IMF and World Bank assistance, for example. Would you discuss what penalties could be imposed on Thailand for this downgrade in addition to restrictions being made in response to the coup itself?

Mr. MARCIEL. Yes, Mr. Chairman. As you mentioned, Thailand was downgraded to Tier 3. Countries placed on Tier 3 on trafficking in persons could be subject to certain restrictions of non-humanitarian, nontrade-related U.S. Government assistance and multilateral voting.

These restrictions, if applied, would take effect at the start of Fiscal Year '15. Humanitarian, trade-related and certain types of development assistance are not affected by these restrictions and the President may waive some or all of these restrictions if he determines that the affected assistance would "promote the purposes of the Trafficking Victims Protection Act of 2000 or is otherwise in the national interest of the United States."

There has been no—since this decision to downgrade was just made we have not yet addressed that question of a possible waiver.

Mr. CHABOT. Before I ask my final question—because my time is rapidly terminating here—I would just make a point that I think it is crazy how we do that all the time. We give all these restrictions and then we let the President waive them all if he says that would be against the best interests of the United States more or less. And so the restrictions are really not restrictions at all, and that is the way Congress does business, which I think is quite foolish. I will give myself 1 additional minute here so I can ask the final question.

More recent attention has been given to human trafficking and especially in Thailand's seafood industry. For example, Thai offi-

cials are said to have been complicit in selling Rohingya Muslims, who are fleeing Burma, into servitude on fishing boats. In fact, personnel from the Thai Navy itself were implicated in these charges. Why is Thailand not doing more to address trafficking of these migrant workers and what is our administration doing to see that they do?

Mr. MARCIEL. Thank you, Mr. Chairman. We agree that one of the primary reasons that Thailand was downgraded was over concerns about the lack of action by the Thai Government to deal with the problem of trafficking in persons related to the seafood fishing industry.

For several years now we and others in the international community have expressed concern about forced labor of foreign migrants in the Thai fishing and on-land seafood industries.

This is something we talk to the Thai about continually. We did before the coup. We will continue to do after the coup.

I would say overall that the Thai Government is more aware of the overall trafficking in persons problem than in the past and taking some steps but we think, given the scale of the problem, not doing enough and we are specifically asking them to focus on the seafood industry and will continue to do so.

Mr. CHABOT. Thank you very much, and I will just conclude my question by making a point. I would like to reiterate what Mr. Rohrabacher said, that I think the United States has always viewed Thailand as a very strong ally, a wonderful country who is going through some tough times right now. And the criticism that might be heard in Thailand about their country is criticism directed at the instability in the government and, in some measure, the unhappiness with the junta and some of their restrictive behavior. Although it probably pales in comparison to some other countries who have been much harsher on their population. Nonetheless, we expect more from Thailand because they are such a wonderful country and we hope that they will in the very near future be in that category again. I think that concludes our testimony and we want to thank you very much, Mr. Marcil, for your testimony here this afternoon. I would ask unanimous consent that all members will have 5 legislative days to submit any questions in writing or to supplement their testimony.

And if there is no further business to come before the committee, we are adjourned.

Thank you very much.

[Whereupon, at 3:38 p.m., the committee was adjourned.]



## A P P E N D I X

---

MATERIAL SUBMITTED FOR THE RECORD

**SUBCOMMITTEE HEARING NOTICE  
COMMITTEE ON FOREIGN AFFAIRS  
U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, DC 20515-6128**

**Subcommittee on Asia and the Pacific  
Steve Chabot (R-OH), Chairman**

June 20, 2014

**TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS**

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held by the Subcommittee on Asia and the Pacific in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at [www.foreignaffairs.house.gov](http://www.foreignaffairs.house.gov)):

**DATE:** Tuesday, June 24, 2014

**TIME:** 2:00 p.m.

**SUBJECT:** Thailand: A Democracy in Peril

**WITNESS:** The Honorable Scot Marciel  
Principal Deputy Assistant Secretary  
Bureau of East Asian and Pacific Affairs  
U.S. Department of State

**By Direction of the Chairman**

*The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.*



## COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON Asia & the Pacific HEARINGDay Tuesday Date 6/24/2014 Room 2172Starting Time 2:00 p.m. Ending Time 3:38 p.m.Recesses        (\_\_\_\_ to \_\_\_\_) (\_\_\_\_ to \_\_\_\_) (\_\_\_\_ to \_\_\_\_) (\_\_\_\_ to \_\_\_\_) (\_\_\_\_ to \_\_\_\_)

## Presiding Member(s)

Chairman Steve Chabot (R-OH)

Check all of the following that apply:

Open Session   
Executive (closed) Session   
Televised Electronically Recorded (taped)   
Stenographic Record 

## TITLE OF HEARING:

*Thailand: A Democracy in Peril*

## SUBCOMMITTEE MEMBERS PRESENT:

Rep. Ami Bera (D-CA), Rep. Scott Perry (R-PA), Rep. Brad Sherman (D-CA), Rep. Dana Rohrabacher (R-CA)

NON-SUBCOMMITTEE MEMBERS PRESENT: (Mark with an \* if they are not members of full committee.)

HEARING WITNESSES: Same as meeting notice attached? Yes  No   
(If "no", please list below and include title, agency, department, or organization.)

ABSENT FROM PANEL: Amy Searight, Ph.D., Deputy Assistant Secretary of Defense for South and Southeast Asia, Office of the Assistant Secretary of Defense for Asian and Pacific Affairs, U.S. Department of Defense.

## STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)

Statement for the Record from Rep. Gerald Connolly (D-VA)  
Responses to Questions for the Record from PDAS MarcielTIME SCHEDULED TO RECONVENE \_\_\_\_\_  
or  
TIME ADJOURNED 3:38 p.m.  
Subcommittee Staff Director

***Statement for the Record***  
***Submitted by Mr. Connolly of Virginia***

The fallout of a failed democracy cannot be explained solely in terms of damaged bilateral relationships and postponed joint military exercises. A play-by-play account of rival factions jockeying for control of national institutions is an enthralling story for the morning newspaper, but it does not provide a comprehensive measure of a democracy in peril. We preserve democracy at home and promote it abroad, because we believe in “democracy as a means to [provide] security, stability and prosperity” to the lives of all people of all nations, and when we fall short there is a human cost to our failure.

There have been 12 coups in Thailand in the past 82 years, the last two occurring in 2006 and May of this year. Democratically elected leaders have been removed from office by coup and court order, and not surprisingly, this has fomented unrest as the voters have had their voices stifled by extra-constitutional actions.

The most recent coup occurred on May 22 in the wake of nationwide protests and political gridlock in Bangkok. The Royal Thai Armed Services and Commander Prayuth Chan-ocha led a coup d'état against the interim Thai government, and dissolved the Parliament, rounded up political leaders for detention and censored the press.

Amid this turmoil, the most vulnerable are further marginalized as democracy and their once promising path to reform succumbs to the narrow interests of those seeking to consolidate power. Thailand was recently downgraded to a Tier 3 country in the State Department's 2014 Trafficking in Persons Report. By definition, the country is failing to comply with the minimum standards of the Trafficking Victims Protection Act and is not making significant efforts to do so. A Tier 3 designation could subject Thailand to certain penalties beyond those levied in response to the military coup.

The National Council for Peace and Order, the junta currently ruling Thailand, has a name worthy of Newspeak. Equally reassuring as its name is its three-step plan to prescribe peace and order for the Thai people. It is likely that the process will serve the agendas of a select few absent any checks and balances. For example, the second phase of the plan for reconciliation includes provisions for a “National Legislative Council” that will consist of an appointed body acting as a temporary Parliament. The Council will circumscribe the nature of the reforms going forward, enabling the unaccountable appointees to structure constitutional reforms in a way that serves their ends and not those of the country.

On May 20, this Subcommittee held a hearing on “Resourcing the Pivot to Asia” where we discussed the State Department's budget priorities in the region. The coup in Thailand is one of the many crossroads we will face during the strategic rebalance to Asia. We have staked a claim to the promotion of democracy, and we should be willing to help our friends and partners find their way. The Secretary of State promptly condemned the coup and the U.S. is withholding assistance to Thailand as required by law. However, other countries, especially those in

democratic transition such as neighboring Burma, will be watching how the U.S. incentivizes Thailand's return to democratic principles.

As the number of democracies in the world has increased from 30 in 1974 to 117 today, I would hope that the lives lifted out of darkness by democratic proliferation have only strengthened our resolve. I would also hope that this success has afforded us best practices and lessons learned incentivizing democratic transition and that these lessons can be applied to Thailand, one of the United States' five treaty allies in Asia. I look forward to hearing from our witness today regarding the State Department's plan to help rescue democracy in Thailand.

---

**Questions for the Record Submitted by  
Representative Steve Chabot  
Principal Deputy Assistant Secretary Scot Marcil  
House Foreign Affairs Committee  
June 24, 2014**

**Question 1:**

The U.S. trains and educates forces across Asia and the world in doctrine aimed at promoting democratic values and increasing the professionalization of their individual militaries. In Thailand, U.S. support is geared toward promoting good governance through democracy and rule of law activities. How effective have U.S. efforts to promote democratic governance been in Thailand? Is there something different the U.S. could be doing in future engagement activities with Thailand's military to better promote democratic principles?

**Answer:**

We retain a range of objectives in our military engagement and assistance programs with Thailand, including, but not limited to military professionalization, respect for human rights, and promotion of democratic governance and the rule of law. We monitor these activities and assistance on an ongoing basis, including for their efficacy. In the course of these reviews, we will continue to identify and act upon areas for improvement and enhanced effectiveness. Despite our serious concerns with military rule, we believe that our decades-long engagement and assistance programs have impacted the professionalization of the Thai military and increased awareness and respect for human rights. Additionally, exposure to the strong rule of law culture of the U.S. armed forces has given the lower-ranks of the Thai military greater awareness and appreciation of these ideals, which should

have an impact as the Thai soldiers ascend through the ranks. Beyond those activities that are precluded by law due to the coup, we are reviewing, scrutinizing, and, as necessary, limiting our engagement activities with Thailand, including contact with coup leaders, visits of high-level officials, and military engagements and transfers, to send a clear message to the Thai military that we will not be able to engage with them in normal ways until democratic rule is restored.

**Questions for the Record Submitted by  
Representative Steve Chabot  
Principal Deputy Assistant Secretary Scot Marciel  
House Foreign Affairs Committee  
June 24, 2014**

**Question 2:**

Other than suspending funds through the end of FY2014, does the State Department plan to suspend additional funds in FY2015? If so, please provide specifics.

**Answer:**

Section 7008 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014, and similar provisions in prior Acts prohibit using Foreign Military Financing (FMF), International Military Education and Training (IMET), and Peacekeeping Operations (PKO) funds for Thailand following the military coup on May 22, 2014. Pending the restoration of a democratically elected government in Thailand, we will continue to suspend funding of these programs consistent with this legal requirement.

Beyond those activities that are precluded by law due to the coup, we are reviewing, scrutinizing, and, as necessary, limiting our engagement activities with Thailand, including contact with coup leaders, visits of high-level officials, and military engagements and transfers, to send a clear message to the Thai military that we will not be able to engage with them in normal ways until democratic rule is restored.

**Questions for the Record Submitted by  
Representative Steve Chabot (#3)  
Principal Deputy Assistant Secretary Scot Marciel  
House Foreign Affairs Committee  
June 24, 2014**

**Question 3 :**

Does the State Department have any idea how many people may still be detained against their will in Thailand? Is the Administration planning to address this clamp-down on fundamental freedoms by restricting certain engagement activities?

**Answer:**

We are troubled by the ongoing summoning, detention, and intimidation of political figures, academics, journalists, online commentators, and peaceful protesters, as well as continuing restrictions on the media. We continue to urge full respect for human rights and fundamental freedoms, including the freedoms of expression and peaceful assembly. We have reiterated that until there is a restoration to civilian rule and a return to democracy through elections, it will be impossible to continue with “business as usual” in our engagement with Thailand.

To date, we have taken steps to suspend programs affected by the coup restriction, including Foreign Military Financing (FMF), International Military Education and Training (IMET), and Peacekeeping Operations (PKO) funding. We have already suspended approximately \$4.7 million in those accounts. We have also canceled a U.S. government-sponsored firearms training program in

Thailand for the Royal Thai Police, as well as a U.S. government-sponsored study trip to the United States for several senior Royal Thai Police officers. In addition to assistance programs, the Department of Defense announced the cancellation of Exercise CARAT, which had been underway, and some senior level exchanges.

We believe over 500 individuals have been detained since the military coup on May 22, and understand that almost all have been released within a few hours or days of being summoned. However, there has been no transparency regarding the summons or accountability of the National Council for Peaceful Order (NCPO), thereby inhibiting our ability, and that of international organization and the international community, to track specific instances of detention and release and to provide specifics on the numbers of detainees. In concert with like-minded countries and institutions, we will continue to press the NCPO to remove its repressive measures limiting the freedoms of expression and assembly.

We will continue to review, scrutinize, and, as necessary, limit certain engagement activities with Thailand, including contact with coup leaders, visits of high-level officials, and military engagements and transfers. As a longstanding friend and ally to the United States, we are also committed to working with Thailand to emerge from this difficult period, thus ensuring the maintenance of our cooperation on a broad range of issues to the benefit of both our peoples and the region as a whole.

